IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of: Chaney, Jeremy P., et al	Group Art Unit: 2166
Application No.: 09/575,403	Confirmation No.: 1910
Filed: May 22, 2000	Examiner: Pham, Khanh B.
For: SYSTEM AND METHOD OF ORGANIZING AND EDITING METADATA	

REPLY BRIEF

TO THE COMMISSIONER FOR PATENTS:

This communication is submitted in response to the Examiner's Answer dated November 28, 2008. This Reply Brief pertains to the captioned patent application identified above and is being filed under the provisions of 37 C.F.R. § 41.41.

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

I.. STATUS OF THE CLAIMS

Claims 2-8, 10, 12-16, 18-42, and 53-78 are canceled. Claims 1, 9, 11, 17, and 43-52 are withdrawn. Claim 83 was never entered. Claims 79-82 and 84-102 are pending. Claims 79 and 98 are independent. Claims 79-82 and 84-102 were rejected. Appellants appeal the rejection of each of Claims 79-82 and 84-102.

II.. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The issues in this appeal are as follows:

1. Whether Claims 79-81, 84-87, 89-90, 92-98, and 100-02 are patentable over U.S. Patent No. 5,959,627 to Duwaer et al. (hereinafter "*Duwaer*"), wherein *Duwaer* does not disclose displaying metadata in a columnar display, as claimed in Claims 79-81, 84-87, 89-90, 92-98, and 100-02.
2. Whether Claim 82 is patentable over *Duwaer*, wherein *Duwaer* does not disclose a object-oriented database, as claimed in Claim 82.
3. Whether Claim 88 is patentable over *Duwaer*, wherein *Duwaer* does not disclose a saving a blank entry as a named entry, as claimed in Claim 88.
4. Whether Claims 91 and 99 are patentable over *Duwaer*, wherein *Duwaer* does not disclose propagating a new metadata value, as claimed in Claims 91 and 99.

III. ARGUMENT

Issue 1: **Claims 79-81, 84-87, 89-90, 92-98, and 100-02 are patentable over *Duwaer* at least because *Duwaer* does not disclose displaying metadata in a columnar display, as claimed in Claims 79-81, 84-87, 89-90, 92-98, and 100-02.**

Claims 79-81, 84-87, 89-90, 92-98, and 100-02 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Duwaer*.

Appellants respectfully submit that Claims 79-82 and 84-102 are patentable over *Duwaer* at least because *Duwaer* does not disclose displaying metadata in a columnar display, as claimed in Claims 79-81, 84-87, 89-90, 92-98, and 100-02.

Independent Claim 79 reads as follows.

> A method for managing metadata of content files using an electronic device, the method comprising:
>
> obtaining from a persistent metadata database, metadata for the content files;
>
> displaying on a display of the electronic device, a first **column** having a plurality of rows for track names corresponding to a plurality of content files; and
>
> displaying on a display of the electronic device, at least one of:
>
> a second **column** having a plurality of rows for artist names **corresponding to the plurality of rows for track names,**
>
> a third **column** having a plurality of rows for album names **corresponding to the plurality of rows for track names**, and
>
> a fourth **column** having a plurality of rows for genre names **corresponding to the plurality of rows for track names**.

(emphasis added). Independent Claim 98 recites similar language in pertinent part. Claims 80-81, 84-87, 89-90, 92-97, and 100-02 depend from independent Claim 79 or 98 and therefore include all limitations contained Claim 79 or 98.

Appellant and the Examiner disagree as to whether *Duwaer* discloses in its Fig. 5 a columnar display. In the Examiner's Answer, the Examiner agrees with Appellant's definition of the term "column," but asserts that Appellant's argument is based on "vertical alignment," which it not recited in the claims or included in the definition of "column."

With respect, Appellant submits that the Examiner's Brief has mischaracterized Appellant's argument. In the Appeal Brief, it is established, without contention, that the term "column" claimed in Claims 79 and 98 does not have a meaning specially defined in the specification. Therefore, the term takes on the ordinary and customary meaning attributed to the term by those of ordinary skill in the art. *See Phillips v. AWH Corp.*, 415 F.3d 1303, 1313, 75 USPQ2d 1321, 1326 (Fed. Cir. 2005) (en banc); *Brookhill-Wilk 1, LLC v. Intuitive Surgical, Inc.*, 334 F.3d 1294, 1298 67 USPQ2d 1132, 1136 (Fed. Cir. 2003).

The ordinary meaning of the term begins with its definition, which according to the New Oxford American Dictionary, 2nd Ed., is "a vertical arrangement of figures or other information." The Examiner's Answer agrees with the dictionary definition.

However, the inquiry does not end with the dictionary definition. Rather, in construing claim terms, the general meanings gleaned from reference sources, such as dictionaries, must always be compared against the use of the terms in context. *Ferguson Beauregard/Logic Controls v. Mega Systems*, 350 F.3d 1327, 1338, 69 USPQ2d 1001, 1009 (Fed. Cir. 2003).

The term "column," as it is used in the context of Claims 79 and 98, does not refer to a row of information merely displayed above another row of information, which is how the Examiner's Answer attempts to construe the term. Rather, as illustrated in Examples 1-3, reproduced below from Appellant's Brief, one of ordinary skill in the art would interpret the dictionary definition in a manner consistent with what is customarily referred to as a columnar display of data, namely, data that is arranged and aligned vertically.

First Name	Last Name	Nickname	Pet's Name	Spouse's Name
Joe	Blow		Henry	Marge
Ignatious	Herman	Nate		Betty
Susan	Bell		Kelly	

Example 1

First Name	Last Name	Nickname	Pet's Name	Spouse's Name
Joe	Blow	Henry		Marge
Ignatious		Herman	Nate	Betty
Susan	Bell		Kelly	

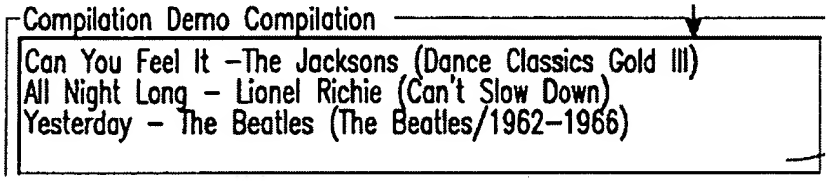
Example 2

Joe - Blow - -Henry - Marge
Ignatious - Herman - Nate - - Betty
Susan - Bell - - Kelly - Jim

Example 3

As illustrated in Example 1, data displayed in vertically aligned columns conveys meaningful information about the data. The vertically aligned (i.e. columnar) display manifests rows and meaningful columns (meaningful in the sense that the visual vertical arrangement of the data conveys information about relationships between different pieces of data).

When such vertical alignment is missing, as in Examples 2-3, few or no meaningful "columns" of data can be readily discerned. *Duwaer*'s Fig. 5, reproduced in part below, is more like Examples 2-3 than Example 1 because *Duwaer*'s Fig. 5 displays little or no vertical alignment. As is plainly evident, *Duwaer's* Fig. 5 displays merely one plurality of rows, each having several types of data.



Indeed, *Duwaer's* Fig. 5 relies on delimiter characters within each row, rather than a vertical alignment of data, to provide meaningful information about the displayed data. For example, because Fig. 5 does not display data in columns, it must insert an em dash ("—") to delimit the second piece of data in each row (e.g., "The Beatles") as being distinct from the first piece of data in each row (e.g., "Yesterday"). Similarly, because Fig. 5 does not display data in columns, it must use parentheses to delimit the third piece of data in each row (e.g. "The Beatles/1962-1966") from the second piece of data.

As in *Duwaer* Fig. 5, Examples 2 and 3 both manifest three rows of data, and those rows are arranged one above the other. However, no one of ordinary skill in the art would attribute the term "column" or "columnar" to describe the rows of data in Examples 2 and 3 because the lack of vertical alignment means that little or no meaningful information is conveyed in the vertical arrangement of data.

Hence, Appellant respectfully submits that one of ordinary skill in the art would distinguish between **non-columnar** vertical arrangements of data, as illustrated in Examples 2-3 and *Duwaer*, and **columnar** vertical arrangements of data, as illustrated in Example 1, and in Fig. 1a of the Application and as claimed in Claims 79 and 98. As illustrated by the distinctions between Examples 1 and Examples 2-3, the use of the term "column" in the context of Claims 79 and 98 carries an implicit requirement of at least some type of vertical alignment within a vertically arranged data.

Contrary to the assertion in the Examiner's Answer, this requirement is recited in the claims, which refer to displaying at least two columns, each "having a plurality of rows." Claims 79 and 98 plainly require a relationship between the display of the first column and at least one of a second through fourth column, the required relationship being that each column that is displayed must have its own "plurality of rows." To illustrate, five distinct pluralities of rows may be observed in Example 1, above, as a consequence of the vertical alignment manifested in the columnar display. For example, a first plurality of rows may be observed having the following pieces of data, First Name, Joe, Ignatious, and Susan; and a second plurality of rows may be observed having the following pieces of data, Last Name, Blow, Herman, and Bell. Similarly, several distinct pluralities of rows may be observed in the vertically aligned columnar display illustrated in the Application's Fig. 1a.

Obviously, Example 1 and Fig. 1a do not themselves limit the scope of the claims. However, they do illustrate substantive elements recited in Claims 79 and 98.

Specifically, Claims 79 and 98 plainly require 1) that there must be a first plurality of rows for track names and 2) that there must be at least one other plurality of rows for artist, album, and/or genre names. The Final Office Action, the Advisory Action, and the Examiner's Answer overlook the requirement that there be at least two distinct pluralities of rows. Indeed, they were forced to overlook this requirement because *Duwaer* plainly discloses an interface displaying only a single plurality of rows.

In sum, Appellant respectfully submits that the Examiner's Answer clearly erred in relying exclusively on a dictionary definition of the term "column" without comparing the definition against the use of the terms in context. *See Mega Systems*, 350 F.3d at 1338. Moreover, the Final Office Action, the Advisory Action, and the Examiner's Answer all

pervert the ordinary and customary meaning that would be attributed to the term "column" by one of ordinary skill in the art. When one of ordinary skill in the art attributes the ordinary meaning of the term in the context of Claims 79 and 98, a "column" of data must be vertically aligned into a columnar vertical arrangement. Furthermore, the Final Office Action, the Advisory Action, and the Examiner's Answer ignore the recited requirement of displaying at least two different pluralities of rows (one for track names, and another for at least one of an artist name, an album name, and a genre name).

For at least the reasons just discussed, Appellants respectfully submit that it was clear error and without basis for the Final Office Action, the Advisory Action, and the Examiner's Answer to assert that *Duwaer* teaches metadata displayed in a first and at least one of a second, third, and fourth **columns**, each having a plurality of rows, as claimed in Claims 79 and 98. Accordingly, Appellants respectfully submit that Claims 79 and 98 are patentable over *Duwaer*. Appellants further respectfully submit that Claims 80-81, 84-87, 89-90, 92-97, and 100-02 are allowable at least by dependency.

Issue 2: Claim 82 is patentable over *Duwaer* at least because *Duwaer* does not disclose a object-oriented database, as claimed in Claim 82.

Claim 82 depends from independent Claim 79, as discussed above. Claim 82 adds an additional element, namely "wherein said persistent database is an **object-oriented database**," The Advisory Action asserts that *Duwaer* anticipates Claim 82 because in Fig. 5, "*Duwaer* clearly teaches data object stored in table comprises rows and columns." However, even accepting for the sake of argument that the Advisory Action's assertion is correct, *Duwaer* suggests merely that data is stored in **rows and columns**, as in a simple spreadsheet.

Claim 82, by contrast, claims that the persistent database in which metadata is stored is an "**object-oriented database**." The Application does not define that term in a special way, so the "object-oriented database" that is claimed in Clam 82 adheres to the common definition of that term. In an influential paper, "The Object-Oriented Database Manifesto," (available at http://www.cs.cmu.edu/People/clamen/OODBMS/Manifesto/htManifesto/Manifesto.html), Malcolm Atkinson et al. define an object-oriented database as follows:

> An object-oriented database system must satisfy two criteria: it should be a DBMS, and it should be an object-oriented system.... The first criterion

translates into five features: persistence, secondary storage management, concurrency, recovery and an ad hoc query facility. The second one translates into eight features: complex objects, object identity, encapsulation, types or classes, inheritance, overriding combined with late binding, extensibility and computational completeness.

The Examiner's Answer did not traverse Malcolm Atkinson's definition. On the contrary, in the Examiner's Answer, a new rationale is put forth in support of its assertion that *Duwaer* teaches an "object-oriented database." Specifically, the Examiner's Answer makes a bare assertion that *Duwaer's* Fig. 7, reproduced below, discloses all the features of an object oriented database system, including, *inter alia*, "complex objects, object identity, encapsulation, types or classes, inheritance, overriding combined with late binding, extensibility and computational completeness."

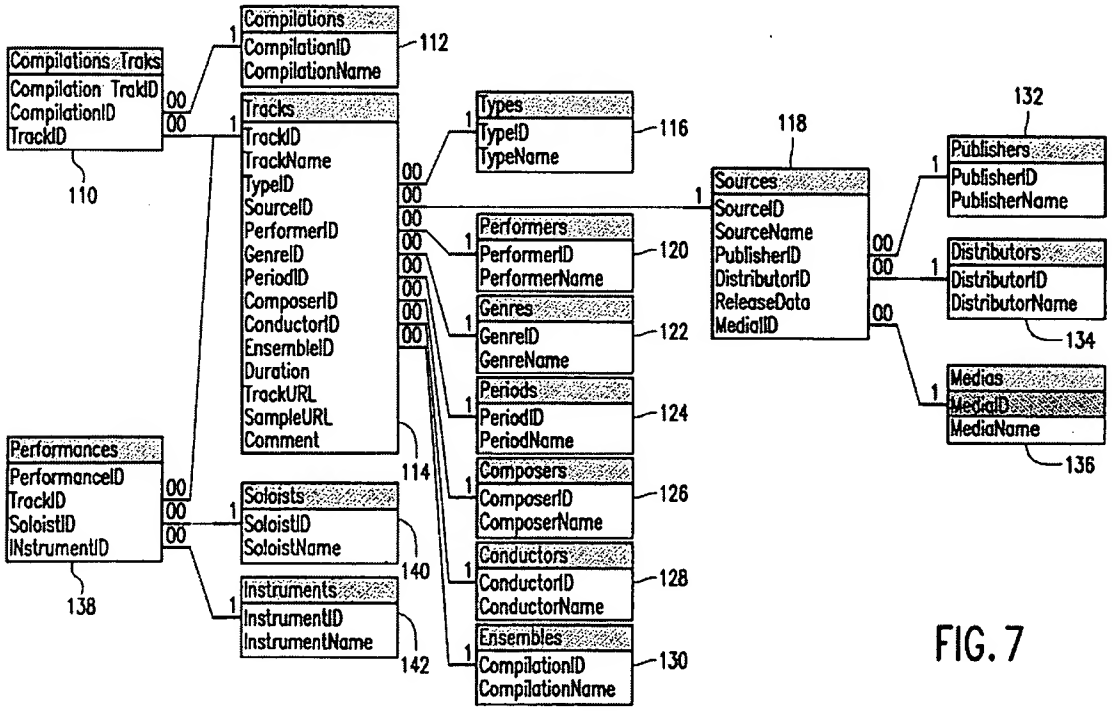


FIG. 7

However, this bare assertion is factually unsupported and facially incorrect. At most, Appellant respectfully submits that *Duwaer* discloses nothing more than a database structure comprising numerous tables (e.g., 110, 112, 138, et al.), each having a number of fields (e.g., "TrackID," "CompilationID," et al.). Contrary to the Examiner's Answer's bare assertion, no

reasonable reading of *Duwaer* could be said to disclose all the features of an object oriented database system, including, *inter alia*, "complex objects, object identity, encapsulation, types or classes, inheritance, overriding combined with late binding, extensibility and computational completeness."

For at least the reasons discussed above, Appellants respectfully submit that Claim 82 is patentable over *Duwaer*.

Issue 3: Claim 88 is patentable over *Duwaer* at least because *Duwaer* does not disclose a saving a blank entry as a named entry, as claimed in Claim 88.

Claim 87 depends from Claim 79 and recites that "at least one column of said track names, artist names, album names, and genre names has a **blank entry**." Claim 88 depends from Claim 87, further reciting that "said blank entry is **saved as a named entry**." In the Advisory Action, *Duwaer* was said to anticipate Claim 88 based on *Duwaer's* disclosure at Col. 3 lines 10-25, which discusses Fig. 3, a "track information tab." However, *Duwaer* discloses at Col. 3 lines 15-16 merely that "[o]ther fields may or may not be left empty." The assertion that leaving an entry blank is equivalent to saving a blank entry in a field of a database is erroneous.

Appellants were unable to find any teaching within *Duwaer*, let alone the cited section, that "said blank entry is **saved as a named entry**." For example, as illustrated in Table 4 on page 19 of the application, reproduced below, a blank entry may be represented in the stored metadata as a "named entry" (e.g., "<blank>"). By contrast, *Duwaer* discloses merely that some "fields may or may not be left empty," not that an empty field may be saved as a named entry, as claimed in Claim 88.

FIELD . . .	DATA
Track Name	Alison
Artist Name	Everything But ...
Track Genre	Rock
Album Name	Acoustic
Preference	Very Good
Situation	Dinner
Tempo	Moderate
Lyrics	<blank>
CD Track #	04
Mood	Mellow
Year	2000
Comments	<blank>
Cover Art	<blank>

TABLE 4

Accordingly, as *Duwaer* fails to teach saving a blank element in a row as a named entry, Appellants respectfully submit that *Duwaer* does not anticipate Claim 88. For this reason, in addition to those already noted above, Appellants respectfully submit that Claim 88 is in condition for allowance.

Issue 4: **Claims 91 and 99 are patentable over *Duwaer* at least because *Duwaer* does not disclose propagating a new metadata value to each corresponding record for the selected genre, as claimed.**

Claim 91 recites that "... in response to receiving [a] new metadata value, **propagating** the new metadata value to the corresponding metafield of **each corresponding metadata record for the content files of the selected genre.**" The Advisory Action clearly erred in asserting that *Duwaer* teaches that a new metadata value is propagated to each corresponding metadata record for the content files of the selected genre. In support of this assertion, the Advisory Action argues that "*Duwaer* teaches at Fig. 3 a user interface for adding or modifying metadata in to selected songs, these changes will in turn reflect in the rows displayed in Fig. 5."

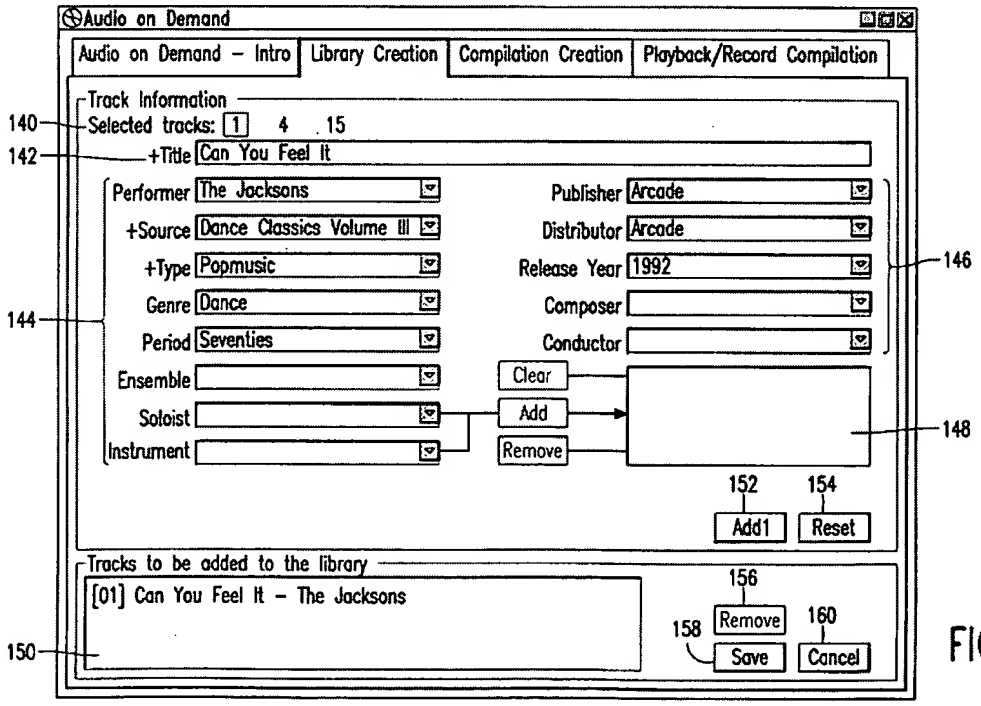


FIG. 3

In the Examiner's Answer, it is noted that *Duwaer's* Fig. 3, element 140 allows a user to select among tracks 1, 4, and 15 to edit metadata. This assertion is supported by *Duwaer's* specification. *See Duwaer* Col. 2 line 64-Col. 3 line 1 ("Field 140... highlights one [of the tracks selected in Fig. 2] for further specifying.").

However, the Examiner's Answer goes on to incorrectly assert that changes made to the selected track "will be propagated to each corresponding metafield of each corresponding metadata record or track as claimed." This assertion is flatly contradicted in *Duwaer's* description at col. 3 lines 26-28, which states "[a]fter completely specifying the information pertaining to **a particular item**, button 152 controls the adding of **that item** to the list of tracks to be added to the library..." (emphasis added). Thus, *Duwaer* unequivocally states that the interface of Fig. 3 is used to edit metadata values for one track (i.e. a particular item) at a time.

In other words, *Duwaer* teaches that a user could select track 1 using element 140, edit fields of track 1 using elements 144-48, and add track 1 with its edited fields to the library using button 152. A user could then select another track using element 140 and repeat the process. Thus, *Duwaer* teaches merely receiving a new metadata value corresponding to a displayed track name and adding the displayed track to a library. There is no indication that a new metadata value for a field of a selected track is propagated to any metafield except the metafield corresponding to that particular selected track.

By contrast, Claim 91 claims receiving a new metadata value corresponding to a track name and "propagating the new metadata value to the corresponding metafield of **each corresponding metadata record for the content files of the selected genre**." *Duwaer* fails to disclose propagating the new metadata value to each record for content files of the selected genre. Therefore, Appellants respectfully submit that Claim 91 is patentable over *Duwaer*. Claim 99 recites similar elements and is allowable by similar reasoning.

IV. SUMMARY

For at least the reasons discussed above, *Duwaer* cannot be said to anticipate Claims 79-82 and 84-102. Appellants therefore submit that all pending claims are in condition for allowance. Accordingly, early and favorable action allowing all of the pending claims and passing this application to issue is respectfully requested.

We believe that no fees are required to accompany this transmission. If, however, insufficient fee payment or fee overpayment occurs, the amount may be withdrawn or deposited from/to Axios Law Group's deposit account. The deposit account number is 50-4051.

Respectfully submitted,
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V. CLAIMS APPENDIX A

1. (Withdrawn)

2-8. (Canceled)

9. (Withdrawn)

10. (Canceled)

11. (Withdrawn)

12-16. (Canceled)

17. (Withdrawn)

18-37. (Canceled)

38-42. (Canceled)

43-62. (Withdrawn)

63-78. (Canceled)

79. (Previously Presented) A method for managing metadata of content files using an electronic device, the method comprising:

obtaining from a persistent metadata database, metadata for the content files;

displaying on a display of the electronic device, a first column having a plurality of rows for track names corresponding to a plurality of content files; and

displaying on a display of the electronic device, at least one of:

a second column having a plurality of rows for artist names corresponding to the plurality of rows for track names,

a third column having a plurality of rows for album names corresponding to the plurality of rows for track names, and

a fourth column having a plurality of rows for genre names corresponding to the plurality of rows for track names.

80. (Previously Presented) The method of Claim 79 wherein said persistent database is a relational database.

81. (Previously Presented) The method of Claim 79 wherein said persistent database is a semi-relational database.

82. (Previously Presented) The method of Claim 79 wherein said persistent database is an object-oriented database.

83. (Not Entered).

84. (Previously Presented) The method of Claim 79 wherein said persistent database is a tabular database.

85. (Previously Presented) The method of Claim 79 wherein said persistent database is queryable.

86. (Previously Presented) The method of Claim 79 wherein said persistent database persists separately from the content files.

87. (Previously Presented) The method of Claim 79 wherein at least one column of said track names, artist names, album names, and genre names has a blank entry.

88. (Previously Presented) The method of Claim 87 wherein said blank entry is saved as a named entry.

89. (Previously Presented) The method of Claim 79 wherein said track names correspond to a content file associated with at least one of a genre, artist and album.

90. (Previously Presented) The method of claim 89, further comprising receiving an indication of a selection of a genre of content files, and displaying of a column having a plurality of rows for track names corresponding to the plurality of content files of a genre in response to receiving the indication, the plurality of content files being content files of the selected genre.

91. (Previously Presented) The method of claim 89, wherein the method comprises receiving a new metadata value for a metafield of a metadata record corresponding to a displayed track name, and in response to receiving the new metadata value, propagating the new metadata value to the corresponding metafield of each corresponding metadata record for the content files of the selected genre.

92. (Previously Presented) The method of claim 89, wherein the method further comprises receiving a selection of one of the displayed track names, and in response to receiving the selection, rendering the content of the content file corresponding to the selected displayed track name.

93. (Previously Presented) The method of claim 89, wherein the displaying of said second column of a plurality of rows for artist names or said third column of a plurality of rows for album names, is simultaneous with the display of said first column having a plurality of rows for track names corresponding to a plurality of content files of a genre.

94. (Previously Presented) The method of Claim 79, further comprising storing said persistent database on a computer readable medium.

95. (Previously Presented) The method of Claim 79, further comprising obtaining an indication from an input device to change at least one metadata value in said persistent database and automatically storing said indicated change in said persistent database.

96. (Previously Presented) A computer-readable medium containing computer executable instructions for performing the method of any of Claims 79-82 and 84-95.

97. (Previously Presented) An apparatus having a processor and a memory containing computer-executable instructions for performing the method of any of Claims 79, 95, 79-82, and 84-95 when executed by said processor.

98. (Previously Presented) A method for managing metadata of content files using an electronic device, the method comprising:

obtaining from a persistent database, metadata for content files;

displaying on a display of the electronic device, a first column having a plurality of track names corresponding to a plurality of content files;

displaying on a display of the electronic device, at least one of:

a second column having a plurality of artist names corresponding to said track names,

a third column having a plurality of album names corresponding to said track names, and

a fourth column having a plurality of genre names corresponding to said track names; and

modifying at least one of a track name, artist name, genre and album name as metadata of a content file in said persistent database.

99. (Previously Presented) The method of claim 98, wherein the method comprises receiving a new metadata value for a metafield of a metadata record corresponding to a displayed track name, and in response to receiving the new metadata value, propagating the new metadata value to the corresponding metafield of each corresponding metadata record for the content files of the selected genre.

100. (Previously Presented) A computer-readable medium containing computer executable instructions for performing the method of any of Claims 98-99.

101. (Previously Presented) An apparatus having a processor and a memory containing computer-executable instructions for performing the method of any of Claims 98-99 when executed by said processor.

102. (Previously Presented) The method of Claim 98, further comprising obtaining an indication from an input device to change at least one metadata value in said persistent database and automatically storing said indicated change in said persistent database.